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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 JUAN ALEXANDER VIANEZ,

11 Plaintiff,

12 v.

13 PIERCE COUNTY JAIL et al.

14 Defendants.

CASE NO. C12-5272 RJB-JRC

ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
COUNSEL


15 The District Court has referred this 42 U.S.C. § 1983 civil rights action to the
16 undersigned Magistrate Judge. The authority for the referral is 28 U.S.C. § 636(b) (1) (A) and
17 (B), and local Magistrate Judge Rules MJR3 and MJR4. Plaintiff asks the Court to appoint
18 counsel to represent him in this action (ECF No. 6). The Court has ordered that plaintiff file an
19 amended complaint (ECF No. 7). The original complaint contained a number of defects --
20 including that some of the persons and incidents described in the original complaint are not
21 within this Court's jurisdiction. The Amended Complaint is due on or before May 25, 2012.

22 There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983.
23 Although the court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party
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1 proceeding in forma pauperis, the court may do so only in exceptional circumstances. Wilborn v.
2 Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th
3 Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional
4 circumstances requires an evaluation of both the likelihood of success on the merits and the
5 ability of the plaintiff to articulate claims pro se in light of the complexity of the legal issues
6 involved. Wilborn, 789 F.2d at 1331.

7 Plaintiff has not shown a likelihood of success on the merits. The motion is denied
8 without prejudice. Plaintiff may renew the motion after complying with the Court order. The
9 Amended Complaint should simplify this action and allow the Court to determine if counsel is
10 warranted.

11 Dated this 8th day of May, 2012.

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13 
14 J. Richard Creatura
United States Magistrate Judge